

### **AMENDMENTS TO THE DRAWINGS**

The attached sheet of drawings includes changes to Figure 7. This sheet, which includes Figures 6 and 7, replaces the original sheet including Figures 6 and 7. In Figure 7, previously omitted element identifier 79 has been added.

Attachments: One (1) Replacement Sheet  
One (1) Annotated Sheet Showing Changes

## REMARKS

### A. Background

Claims 1-9 were pending in the application at the time of the Office Action. The Office Action objected to the title of the specification as not being descriptive. Claims 1-9 were rejected as being indefinite. Claims 1 and 4-9 were rejected as being anticipated by cited art. Claims 2 and 3 were rejected as being obvious over cited art. By this response applicant has amended the specification and drawings. Applicant has also amended claims 1, 2, 6, and 9, cancelled claims 4, 5, 7, and 8 and added new claims 10-14. As such, claims 1-3, 6, and 9-14 are presented for the Examiner's consideration in light of the following remarks.

### B. Proposed Amendments

#### 1. Specification and Drawing Amendments

Applicant has herein amended the specification and the drawings to address formal issues and to further clarify the invention. Specifically, the title of the specification has been amended to be more descriptive of the claimed invention. Paragraphs [0026] and [0027] have been amended to further clarify the invention as depicted in the drawings. Element label '79' has been added to Figure 7 to identify the "catch wall" referred to in amended claim 1 and Paragraph [0027] of the specification has been amended accordingly.

To facilitate the Examiner's consideration and approval of the proposed drawing changes, duplicate copies of sheet 4 containing Figures 6 and 7 are being transmitted herewith. The submitted copies include a clean sheet containing the amendments and a supplemental sheet showing the amendments marked thereon.

In view of the foregoing discussion, applicant respectfully submits that the amendments to the drawings and the specification do not introduce new matter and entry thereof is respectfully requested.

2. Claim Amendments

By this response applicant has amended claims 1, 2, 6, and 9, cancelled claims 4, 5, 7, and 8, and added new claims 10-14. The claim amendments have been made to clarify the claimed invention and further distinguish the claims over the cited art. For example, the crossbar of independent claim 1 has been further defined and many of the limitations of dependent claims 4, 5, and 7, have been incorporated into independent claim 1. Support for the amendments and new claims are supported at least by original claims 4, 5, 7, and 8, Figures 1, 5, and 7, and paragraphs [0026]-[0027] of the specification.

In view of the foregoing discussion, applicant submits that the amendments to the claims do not introduce new matter and entry thereof is respectfully requested.

C. Rejection on the Merits

1. Foreign Priority

Initially, the Office Action acknowledges the claim to foreign priority but asserts that a certified copy of the foreign priority document has not been received. In response thereto, attached is a certified copy of Australia Application No. 2003201290 to which priority is claimed.

2. Specification and Claim Objections

The Office Action objects to the specification, stating that the title is not descriptive. Applicant submits that in light of amendments to the specification set forth herein, the objection has been overcome and should be withdrawn.

The Office Action objects to claims 4 and 8 due to informalities. Claims 4 and 8 have been cancelled herein making this objection moot.

3. Rejections based on 35 U.S.C. § 112

The Office Action rejects claims 1-9 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter of the invention. Specifically, the Office Action objects to the wording of many of the claims due to various formalities. In view of amendments made herein to the claims, Applicant submits that this rejection has been overcome and should be withdrawn.

4. Rejections based on 35 U.S.C. § 102

The Office Action rejects claims 1 and 4-9 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 1,001,041 to Jones. Applicant respectfully traverses this rejection.

As perhaps best depicted in Figure 1, Jones teaches a manhole frame 6 with a cross bar 7 extending across an opening therein. A manhole cover 9 situated over frame 6 is removably attached to cross bar 7 by a bolt 12. The ends of cross bar 7 engage lugs 8 formed on the inner surface of frame 6, thereby preventing manhole cover 9 from being removed from frame 6 while frame 6 is attached to cross bar 7. See page 1, col. 1, lines 44-48. As depicted in Figure 1, the top surface of cross bar 7 is substantially horizontal along the entire length of cross bar 7, and the bottom surface has a slight upward angle which causes cross bar 7 to be cross-sectionally thinner at the ends than in the middle of cross bar 7. The horizontal top surface at each end of cross bar

7 catches on a substantially horizontal bottom surface of each lug 8 to prevent cross bar 7 from being removed. No other cross bar and lug configurations are disclosed in Jones nor any other manner of catching the cross bar on the lugs to prevent removal of the cross bar.

Because the cross bar 7 simply extends in a substantially horizontal manner between two ends and does not disclose any catch legs extending from the ends, and because the lugs 8 of Jones simply use a horizontal bottom surface with no slot as the catch, Jones does not disclose or suggest, among other things, a crossbar “having first and second opposite ends with respective catch legs extending from the first and second ends in respective directions not parallel to the first direction,” or first and second catches each having a catch wall, “each catch wall provided with a slot for receiving a respective end of the crossbar with respective catch legs located between the peripheral wall and a respective one of the catch walls,” as recited in amended claim 1.

Accordingly, Applicant submits that Jones does not anticipate amended claim 1, and respectfully requests that the anticipation rejection of claim 1 be withdrawn. Claims 4-9 depend from claim 1 and thus incorporate the limitations thereof. As such, Applicant submits that claims 4-9 are distinguished over the cited art for at least the same reasons as given above with regard to claim 1. Accordingly, Applicant respectfully requests that the anticipation rejection of claims 4-9 also be withdrawn.

5. Rejections based on 35 U.S.C. § 103

Applicant respectfully notes at the outset that in order to establish a *prima facie* case of obviousness, it is the burden of the Examiner to demonstrate that three criteria are met: first, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine

reference teachings; second, there must be a reasonable expectation of success; and third, the prior art reference (or references when combined) must teach or suggest all the claim limitations. MPEP § 2143.

The Office Action rejects claims 2 and 3 under 35 U.S.C. § 103(a) as being unpatentable over Jones in view of U.S. Patent No. 6,616,370 to Signorelli. Applicant respectfully traverses this rejection, submitting that even if combined, the allegedly obvious combination would not teach or suggest all the claim limitations.

As discussed above, Jones does not disclose catch legs extending from first and second ends of a crossbar, or catch walls having slots for receiving ends of the crossbar. Signorelli also does not disclose catch legs or catch walls similarly configured and. Thus, even if, *arguendo*, the teachings of Jones and Signorelli were combined in the allegedly obvious manner as asserted by the Office Action, the resulting combination would not teach, among other things, a crossbar “having first and second opposite ends **with respective catch legs extending from the first and second ends in respective directions not parallel to the first direction,**” or first and second catches each having a catch wall, “**each catch wall provided with a slot for receiving a respective end of the crossbar** with respective catch legs located between the peripheral wall and a respective one of the catch walls,” as recited in claim 1. Claims 2 and 3 depend from claim 1 and thus incorporate the limitations thereof. As such, applicant submits that claims 2 and 3 are distinguished over the cited art for at least the same reasons as discussed above with regard to claim 1. Accordingly, Applicant respectfully requests that the obviousness rejection of claims 2 and 3 be withdrawn.

6. New Claims

Applicant submits that new claims 10-14 are independently distinguishable over the cited art and are also allowable because each depends from independent claim 1 which is discussed above.

No other objections or rejections are set forth in the Office Action.

D. Conclusion

Applicant notes that this response does not discuss every reason why the claims of the present application are distinguished over the cited art. Most notably, applicant submits that many if not all of the dependent claims are independently distinguishable over the cited art. Applicant has merely submitted those arguments which it considers sufficient to clearly distinguish the claims over the cited art.

In view of the foregoing, applicant respectfully requests the Examiner's reconsideration and allowance of claims 1-3, 6, and 9-14 as amended and presented herein.

In the event there remains any impediment to allowance of the claims which could be clarified in a telephonic interview, the Examiner is respectfully requested to initiate such an interview with the undersigned.

Dated this 18<sup>th</sup> day of July 2006.

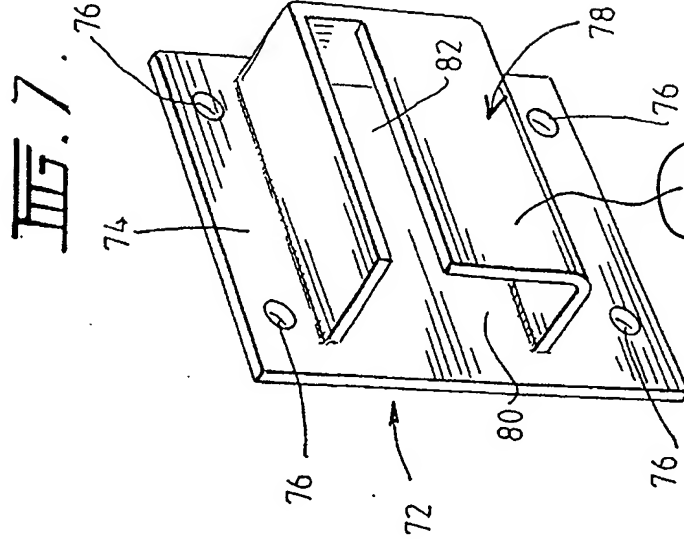
Respectfully submitted,



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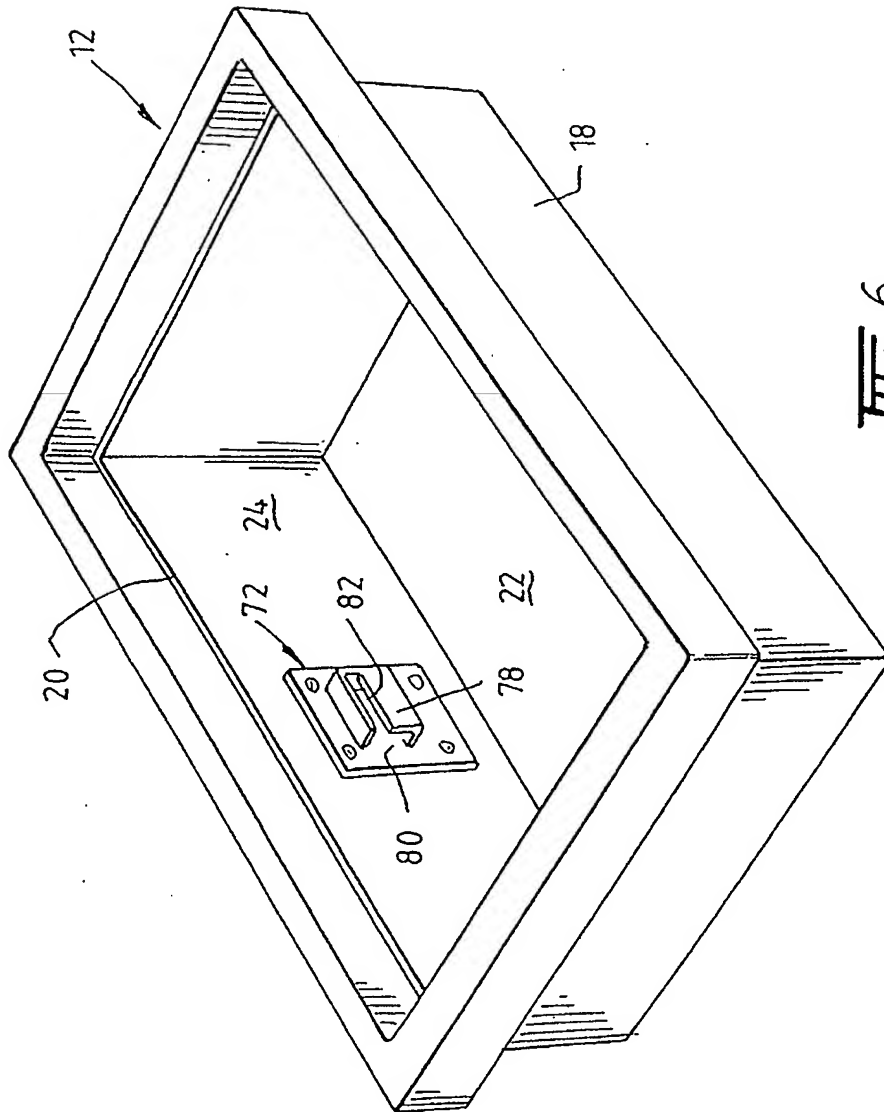


FIG. 6.

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